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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,977	09/26/2003	Rolando Gonzales	GONZR-P01	8874
23653	7590	01/12/2005	EXAMINER	
FRANK G MORKUNAS 7750 DAGGET ST SUITE 203 SAN DIEGO, CA 92111			SCHULTERBRANDT, KOFI A	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/671,977	<b>Applicant(s)</b> GONZALES, ROLANDO	
	<b>Examiner</b> Kofi A. Schulerbrandt	<b>Art Unit</b> 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on December 20, 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>092603</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This first Office Action is in response to Applicant's Communication Regarding Restriction Requirement received in the Office on December 20, 2004.

#### ***Election/Restrictions***

No claims are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on December 20, 2004. Applicant's election with traverse of Species II in the reply filed on December 20, 2004 is acknowledged. The traversal is on the ground(s) that the claims define a "coupling means" that encompasses both embodiments. This is not found persuasive because the election/restriction requirement is based on an election of species which is determined by distinct species identified in the drawings and not on a restriction that has to do with the broadness of the claims.

The requirement is still deemed proper and is therefore made FINAL.

#### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on September 26, 2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 23 recite "said camera stabilizer comprising:", indicating that the elements that follow (including the first support means) are part of the camera stabilizer. However, claims 1 and 23 also recites a "first support means for supporting the camera stabilizer". Is the first support means a part of the camera stabilizer or does it support the camera stabilizer. Correction or clarification is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 23 and 25-27, 30-32, 34, 38, 40 and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Rudolph (5,332,136). Rudolph teaches each feature of the claimed invention as discussed below. Rudolph teaches a base (10, Figure 4), a front (70) a rear (30), a first rod (100), a first support means (80) made of a soft material (See col. 4, ln. 30), second support means (40), deflection means (See col.

Art Unit: 3632

4, In 17), a tripod mounting shoe (extensions of 60 in which 40 fits), an attaching member (extensions of 60 that hold the pin in the pin connection between 50 and 60), a coupling means (150) that a whistle can be securely hung on and an upstanding handle (hand held turning portion of 21), a vertically disposed extension (bolt portion of 21), a gripping means (threaded portion of the bolt of 21) .

Regarding claims 38, 40 and 44, Rudolph teaches a base (10) having a rear (30) and a receiving aperture (opening between the two projections having the holes that receive the pin between 50 and 60), a first rod (40) being telescopic and having a lock (40, Figure 1), a first support means (250, Figure 1), a receiving member (extensions from 250 that hold the pin near the belt) and a second support means (100).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10, 12 and 16-18, 22, 24, 28, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rudolph (5,332,136), in view of Emery (6,163,657). Rudolph teaches, substantially, each feature of the claimed invention. Regarding claims 1-10, 12, 24 and 28-34, Rudolph teaches a base (10), a first rod (100) extendable from the base, a first support means (80 and lower portion of 140) made of a soft material (See col. 4, ln. 30), a coupling means (150) on which a whistle can be supported, a tripod

Art Unit: 3632

mounting shoe (280), mirror reflection means (See col. 5, lns. 17-29), an upstanding handle (hand held turning portion of 21), a vertically disposed extension (bolt portion of 21), a gripping means (threaded portion of the bolt of 21), an attaching member (extensions of 60 that hold the pin in the pin connection between 50 and 60), and a second support means (40). Rudolph does not teach a bubble level at the rear of the base or a mirror attached to the front of the base. Emery who discloses a camera support teaches applying a bubble level to a camera support (See col. 10, ln. 68). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified Rudolph to include Emery's leveler in order to level the camera if desired as taught by Emery and to apply the level at any part of the support where the leveler can be seen while operating the camera including the rear of the holder's base. Furthermore, it would have been obvious to one of ordinary skill to attach Rudolph's mirror to the front of the base as the remote control signals operate between a controller out in the front of the base and the front of the base itself.

Regarding claims 16-18 and 22, Rudolph teaches a base (10), a first rod (40) having a lock (40 in Figure 1), a first support means (250, Figure 1), a receiving member (extensions from 250 that hold the pin near the belt), a second support means (100), an adjustment member (the pin on the front end of 250) and a receiving aperture (opening between the two projections having the holes that receive the pin between 50 and 60).

Regarding claim 24, Rudolph teaches a mirror deflection means attached to a flexible arm discussed above (See col. 5, ln. 17). Rudolph does not teach the mirror in the front of the base. However it would have been obvious to have adjusted Rudolph's

Art Unit: 3632

flexible arm to be toward the front or the rear to facilitate cooperation with a remote control system that is positioned in either the front or the rear.

***Allowable Subject Matter***

Claims 11 and 13-15, 19-21, 33, 35-37, 39 and 41-43 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Reasons for Indicating Allowable Subject Matter***

The following is a statement of reasons for the indication of allowable subject matter: Regarding claims 11 and 33, the prior art of record does not teach, in combination with the other features of claim 10 and 32 respectively, a mounting shoe on one of the vertically disposed extensions. Regarding claims 13-15 and 35-37, the prior art of record does not teach, in combination with the other features of claim 12 and 34 respectively, a second support means comprising a telescoping rod having at one end a clamping device adapted to securingly attach to the attaching member and having at a second end a means for attaching the second end to a user. Regarding claims 19-21 and 41-43, the prior art of record does not teach, in combination with the other features of claim 18 and 40 respectively, a base further comprising a second receiving aperture at its front adapted to receive the first rod therethrough to thereby stabilize the first rod onto the base. Regarding claim 39, the prior art of record does not teach, in

Art Unit: 3632

combination with the other features of claim 38 a first support means having an adjustment member on its front end adapted to facilitate telescoping movement back and forth of the first rod.

### ***Prior Pertinent Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. '133 to Seegmiller et al.; '778 to Tolcher; '416 to Jones and '205 to Moss each teach camera supports supported against a user.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kofi A. Schulterbrandt whose telephone number is (703) 306-0096. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3632

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kofi Schulterbrandt  
January 5, 2005